

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



APPLICANT: Thomas
A. RUSSELL, et al.

SERIAL NO.: 10/679,158 Group Art Unit: 3739

FILED: October 3, 2003 EXAMINER:

FOR: SURGICAL POSITIONERS

ATTORNEY DOCKET NO.: 50642/287729

DATE: 8/2/04

Mail Stop Amendment
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Sir:

In accordance with Rules 56, 97 and 98 of the Rules of Practice in Patent Cases (37 C.F.R. §§ 1.56, 1.97, and 1.98), the publications listed on the modified Form PTO/SB/08 are cited for consideration by the Examiner. Copies of the non-U.S. patent documents are submitted with this paper.

Submission of the references provided in this Information Disclosure is not intended to constitute an admission that any reference referred to herein is prior art for this invention unless specially designated as such. Also, in accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(a) exists.

U.S. Serial No. 10/679,158

Filed: October 3, 2003

INFORMATION DISCLOSURE STATEMENT

This Information Disclosure Statement is being filed pursuant to 37 C.F.R. 1.97(b), before issuance of a first Office action on the merits. Applicant believes that no fee is due for submission and consideration of this paper. The Commissioner is authorized to charge any fees associated with this filing or credit any overpayment to Deposit Account No. 11-0855.

Respectfully submitted,



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PTO/SB/21 (08-03)
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(to be used for all correspondence after initial filing)

Application Number	10/679,158
Filing Date	October 3, 2003
First Named Inventor	Thomas A. RUSSELL
Art Unit	3739
Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number 50642/287729

ENCLOSURES (check all that apply)

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Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Michael A. Bertelson, Reg. No. 54,713
Signature	<i>Michael A. Bertelson</i>
Date	July 29, 2004

CERTIFICATE OF MAILING

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Application Number	10/379,158
Date Filed:	October 3, 2003
First Named Inventor	Thomas A. RUSSELL
Group Art Unit	3739
Examiner Name	
Attorney Docket Number	50642/287729

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Examiner Initials *	Cite No *	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code* (if known)			
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of

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Application Number	10/379,158	
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			Examiner Name		
Sheet	3	of	3	Attorney Docket Number	50642/287729

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ²
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
/B.R./		DE296 23 941 U1	11/09/2000	Germany		
/B.R./		WO 97/23172	07/03/1997	WIPO		
/B.R./		WO 02/067783	09/06/2002	WIPO		
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/B.R./		WO 00/47103	08/17/2000	WIPO		
/B.R./		WO 01/91647 A1	12/06/2001	WIPO		Abstract
/B.R./		DE 42 25 112 C1	12/09/1993	Germany		Abstract
/B.R./		DE 197 09 960 A1	09/24/1998	Germany		

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS				
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T ²
/B.R./		Delp, et al., "Computer Assisted Knee Replacement," <i>Clinical Orthopaedics and Related Research</i> , 354:49-56 (1998)		
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/B.R./		BrainLab Brochure, pp. 01-28 (undated)		

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